

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : Atty Docket No. 7040N06-075US

H. Degani et al. : Confirmation No. : 5752

Application No.: 10/593,887 : Inter. App. No.: PCT/IB05/01252

Filed: March 2, 2007

Title: *THREE TIME POINT LUNG CANCER DETECTION, DIAGNOSIS AND ASSESSMENT  
OF PROGNOSIS*

**PETITION UNDER 37 CFR §1.181(a) TO WITHDRAW  
THE HOLDING OF ABANDONMENT**

Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for withdrawal of the holding of Abandonment in the  
above-identified patent application.

Table of Contents for this Petition  
Petition (3 pages) - Begins on page 2.  
Exhibit A: (1 Page) -- Copy of Notice of Abandonment Dated July 10, 2008 -- Attached

In accordance with 37 CFR §1.181(a), Applicant respectfully petitions the Commissioner for withdrawal of the holding of Abandonment. The Notice of Abandonment, dated July 10, 2008 (see Exhibit A), states that the reason for abandonment is "*Applicant's failure to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed on 6/20/2007 within the time period set therein.*"

Applicant's representatives respectfully submit that this Notification of Missing Requirements was never received at our office. Furthermore, and upon information and belief, the formerly listed attorneys of record, the practitioners associated with Customer No. 23389 never received the Notification of Missing Requirements. A copy of the Notification was printed from the Private PAIR system at the USPTO. From the date of filing until receipt of the Notice of Abandonment, Applicant's representatives maintained the same mailing address and customer number.

Since Applicant has now shown evidence of non-receipt of the Notification of Missing Requirements, Applicant respectfully requests withdrawal of the holding of Abandonment. A proper reply to the Notification, including the executed Declaration and required fee, is enclosed herewith.

Applicant believes that this petition is a non-fee petition. However, if it should be determined that a fee is required, please charge such fee to Deposit Account **500601**.

In the alternative, in the unlikely event that this petition is not granted, Applicant respectfully requests that this petition be considered a petition to revive an unintentionally abandoned patent application. Applicant respectfully submits that, other than the possible payment of additional fees, all 35 U.S.C. 371(c) requirements have been previously submitted or are submitted herewith. Accordingly, please charge the payment of the required petition fee as well as any other required fee to Deposit Account **500601** as an unintentionally abandoned patent application. In this regard, Applicant certifies that the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition under 37 C.F.R. § 1.137(b) was unintentional. Because the application was filed after June 8, 1995, a terminal disclaimer is not required for revival.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account **500601**.

Respectfully submitted,



Date: August 6, 2008

By: /Martin Fleit/

Martin Fleit (Reg. No. 16,900)

Attorney for Applicants

Fleit Gibbons Gutman

Bongini & Bianco P.L.

21355 East Dixie Highway, Suite 115

Miami, FL 33180

Tel. (305) 830-2600

Fax (305) 830-2605